

**REMARKS**

This application has been reviewed in light of the Office Action dated August 2, 2007. Claims 1-40 are pending in the application. By the present Amendment, claims 1, 20, 26 and 31 have been amended to correct typographical errors and clarify the claims. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, claim 1 stands rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent Publication No. 2004/0022237 to Elliott et al. (hereinafter Elliott).

Elliott is directed to system and method that delivers voice and data over a packet switched network. The system of Elliot works in conjunction with a public switched telephone network (PSTN). Calls can be handled for both in network and out of network callers. Elliot is not directed to a virtual network that permits a user to freely access a private network from a public network. There is no discussion of a home network or the concept of a virtual distributed switch as described by the present claims. Elliot fails to disclose or suggest many of the elements of the present claims as will be described hereinafter.

Claim 1 recites, *inter alia*, a method of operating an access device which includes receiving a packet at an access device deployed in a first network; automatically identifying a switch server in a second network, where the switch server is associated with an identifier obtained from the packet; and forwarding the packet to the switch server in the second network so that the switch server can release the packet in the second network without releasing the packet in the first network.

Elliott fails to disclose all of the elements of claim 1. For example, Elliott fails to disclose or suggest at least: forwarding the packet to the switch server in the second network so that the switch server can release the packet in the second network without releasing the packet in the first network. Nowhere in Elliott is switch server as described in the present specification disclosed or suggested. Further, Elliot does not disclose or suggest that a switch server can release the packet in the second network without releasing the packet in the first network. The Examiner cites paragraph [0030] and FIG. 65 as teaching this step/element. However, paragraph [0030] is silent on how the packets are processed or on whether the packets are released in a first network or a second network.

In general, Elliot processes packets with each network and between each network. FIG. 1 shows a first gateway site 108 connected through a network to a second gateway site. Any packets entering network 112 are subjected to management processing. To further clarify this, Elliot provides an intermediate level description that states that the gateways sites include trunking gateways (e.g., 232 and 234) that provide an interface with public switched networks. Gateways or access servers provide a conversion from voice signaling to packet data. (See e.g., page 17, Table 2). A complete conversion as to the form of the signal is made when entering each network.

Further guidance as to how the packets are processed is given in Elliott, e.g., at page 40, paragraphs [0941]-[0951]. In paragraphs [0941]-[0951], Elliot describes how data is detected in a data detection process 1146 run on packets [00941], describes data compression/decompression [0942], describes an encoding process 1152 [0943], describes digital signal processing (DSP) 1108 and describes the conversion of packets to and from a

digital stream [0945-0946]. It is respectfully submitted that the packets input into network 112 (FIG. 1) are altered, configured or otherwise released for routing or distributed in the network of Elliott.

Elliott also refers to tunneling protocols (see e.g., paragraph [1061]); however, these protocols encapsulate and encrypt the data or otherwise process the data entering the Internet or network to acclimate the packets to the network for transfer over the network (paragraph [1065]).

The Examiner further cites element 6518 of FIG. 65. This element describes a release channel request (RCR) to release a communication channel. This is completely different from releasing a packet in a second network without releasing the packet in the first network, as presently claimed. A released channel in this context means making a channel available for call traffic. This is different from the release of a packet.

It is therefore axiomatic that Elliott fails to disclose or suggest at least: forwarding the packet to the switch server in the second network so that the switch server can release the packet in the second network without releasing the packet in the first network. Claim 1 is believed to be in condition for allowance for at least this reason. Independent claims 15, 20 and 31 include similar recitations and are therefore also believed to be allowable for at least the reasons stated.

Claim 26 now recites: a switch server-comprising: a network interface for connecting to a home network of a user; and an access module configured to maintain communication channels with one or more access devices over a remote network, and receive packets from an access device on behalf of a user device, where the packets received from the

remote network are not released in the remote network, and release the packets using the network interface into the home network of the user.

As stated with reference to claim 1 above, Elliott fails to disclose or suggest a switch server configured to receive packets from the access device on behalf of a user device wherein the packets received are not released in the remote network and are released using the network interface into the home network of the user. Instead, Elliot describes converting or otherwise processing packets as they enter each network. The packets are processed as part of there transmission (e.g., routing/packet switching). Further, the present claims describe two networks where packets are not released in a first network but travel through it and are released by a switch server in a second network (e.g., home network). There is no disclosure or suggestion of this in Elliot, which is concerned with being able to send voice and data over a publicly switched network and focuses on conversion of digital signals to packet data for routing.

Since Elliot fails to disclose or suggest all the elements of independent claims 1, 15, 20, 26 and 31, claims 1-40 are believed to be in condition for allowance for at least the reasons stated.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Deposit Account No. 14-0627.

In view of the foregoing amendments and remarks, it is respectfully submitted  
that all the claims now pending in the application are in condition for allowance. Early and  
favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

Dated: 10-31-07

By:



James J. Bitetto  
Registration No. 40,513

**Mailing Address:**

**NEC LABORATORIES AMERICA, INC.**  
**4 Independence Way, Suite 200**  
**Princeton, NJ 08540**